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SUBJECT: AMBASSADOR VISITS VIETNAM'S LEADING POLITICAL PRISONER

REF: 07 HCMC 0294

¶1. (SBU) Summary: On March 10, the Ambassador met with jailed political activist and Catholic priest Nguyen Van Ly ("Father Ly") at Ba Sao Prison south of Hanoi. The almost 75-minute meeting with Ly took place in the presence of the prison warden and his deputies, who were cordial and cooperative. Father Ly appeared in good health and spirits and spoke strongly and with conviction. He told the Ambassador he was in prison because he was an activist, stating in English that he was a "prisoner of conscience." He argued at length that Vietnamese law was not in compliance with international human rights instruments to which Vietnam had acceded and the Government of Vietnam did not understand nor respect religious freedom. Ly said he did not have access to a Bible; the Ambassador subsequently raised this issue with the warden, who responded that one would be provided. Ly thanked the USG for its efforts on his case, noting in particular ConGen HCMC's efforts on behalf of his family. Father Ly said it was "up to God" when he would be released, as he would never give up his principles and was prepared to stay in prison the rest of his life. End Summary.

¶2. (SBU) Political activist and Catholic priest Nguyen Van Ly ("Father Ly") is serving an eight year prison sentence at Ba Sao prison, in the hills of Ha Nam Province, approximately 1.5 hours south of Hanoi. Ly was convicted by the Thua Thien-Hue People's Court on March 30, 2007 of "spreading propaganda against the State," in violation of Article 88 of the GVN criminal code (Reftel). According to Prison Commander (Warden) Duong Duc Thang, there are approximately 2,000 prisoners at Ba Sao. Ba Sao is one of two major prisons in Vietnam known to house political prisoners, who constitute a small fraction of the prison's total population.

¶3. (SBU) Before Ly was escorted into the prison conference room to meet the Ambassador, prison warden Duong Duc Thang, who has worked at Ba Sao prison for the last 30 years, discussed Ly's case with the Ambassador. He noted that Ly was spending his third stint at Ba Sao prison and that in Vietnam "we say three strikes and you're out." He said Ly had been last amnestied in 2005, and the prison officials hoped they would not see him again. However, Ly continued to "violate the law," leading to his re-arrest and re-imprisonment in March 2007. Thang told the Ambassador he hoped he would tell prisoner Ly to comply with Vietnamese law so he could enjoy the policy of Vietnamese clemency in the shortest period of time. Thang told the Ambassador he could speak with Ly for 30-40 minutes (Note: the conversation actually turned out to last closer to 75 minutes. End Note.) The Ambassador underscored to the warden USG interest in the rule of law in Vietnam and particular USG concern for Ly's case, noting that we had called for Ly's release and would continue to do so.

PHYSICAL APPEARANCE AND PRISON CONDITIONS

¶4. (SBU) Father Ly appeared both in good health and spirits, and

spoke strongly and passionately. At different times, he both laughed and argued vociferously with prison officials, challenging the warden and even the Ambassador's interpreter, whom he criticized for not always interpreting his words accurately. Ly remains feisty and committed to his beliefs and convictions. He showed neither regret nor repentance. Ly did not know in advance he would be meeting with the Ambassador; he was only told that he would "have visitors."

15. (SBU) According to Ly, this is his fourth time in prison, and he has been incarcerated by the Vietnamese State for a total of over ten years. Ly is allowed to read two local newspapers, Phap Luat (Law) and Nhan Dan (Party Daily), provided to him by his family members. He has not been allowed access to a Bible that his family sent to him. Prison officials retain it, though they said he may be able to access it at a later date.

LY ANGRY OVER PRISON UNIFORM

16. (SBU) Upon meeting the Ambassador, Ly noted that, though he spoke English, he was asked by the prison officials to speak only in Vietnamese. He then went on angrily for 20 minutes about being forced to wear a green and white striped prison uniform for the meeting. He said the prison officials had pointedly done this to make him "look and feel like a criminal." He said that normally he would not agree to these conditions, but that he was a "flexible person." His one condition was that nobody be allowed to take a photograph of him without his permission, as photos would be used by the State to depict him as a criminal. Ly then told the Ambassador in English, with the warden quickly admonishing him to use only Vietnamese, "I am a prisoner here, but I am not a criminal;" and later, "I am a prisoner of conscience."

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17. (SBU) Ly said that, despite his oppression, he maintained "good will" and "great relations with humanity." He told the Ambassador that complicated issues could be solved through good will and that there were solutions for all issues, noting the Israeli-Palestinian conflict as an example. He said he had tried not to complicate the U.S. - Vietnam relationship with his case as he did not want to hinder "integration" of the relationship. He noted that the USG had "good will," and therefore could solve problems. Ly told the Ambassador that he was in prison because he is an activist that had principles in his struggle. He said he was neither a criminal nor an extremist, but he had to remain a fighter to continue his struggle.

GVN LAW INCOMPATIBLE WITH INTERNATIONAL INSTRUMENTS

18. (SBU) Ly said that, according to both the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights (ICCPR), he had the right to speak freely. However, under GVN law, the State could charge him on any one of many charges, as GVN law is not compatible with international human rights instruments to which Vietnam has acceded. Ly said that for speaking his mind in Vietnam he could be charged under GVN law with: "spreading propaganda against the State;" "taking advantage of democratic rights;" "disrupting public order;" and even "spying." At that point, the warden intervened and Ly argued with him before he was allowed to continue. Ly noted that even at his trial GVN authorities had made a point to state that international human rights covenants were not a concern, and asked rhetorically why the GVN acceded to these instruments if they do not follow them. Ly said authorities muzzled him four times at his March 2007 trial when he tried to defend himself, taking him to an isolation room.

19. (SBU) Ly explained to the Ambassador that he had "chosen a different path," by choosing hardship in order to find a way to eliminate those provisions of Vietnamese law that were not in accordance with international law. He accepted this hardship with the hope that a day would come when things would change in Vietnam for the better.

¶10. (SBU) Ly said family members had visited him four or five times since his March 2007 incarceration. His family sends him both the local Phap Luat (Law) and Nhan Dan (Party Daily) newspapers. Ly was particularly grateful for the efforts of the Consul General and staff of ConGen HCMC for inviting his family to the Consulate on two occasions, including one during which they spoke with visiting CODEL Hoyer.

LY NOT ALLOWED ACCESS TO A BIBLE

¶11. (SBU) Ly said his family had sent him a Bible but he was not allowed to read it, as the prison management retained it. He noted a 2004 prison visit by Senator Sam Brownback, at which he said he was given a Bible and allowed to retain it as well as other religious books. However, for this imprisonment, he is not allowed to read such religious texts, claiming he was told by the prison management that "new prison regulations are more stringent." Ly said he nonetheless prayed without a Bible up to one hundred times a day, praying for his fellow inmates, the prison officials, GVN Prime Minister Nguyen Tan Dung, President Bush, the USG, and for those suffering in Iraq and Afghanistan.

¶12. (SBU) Later, the Ambassador engaged the warden on the issue of Ly not having access to a Bible. The warden clarified that it was not prison policy to deny prisoners access to a Bible per se, but rather a matter of when Ly would be allowed access. The Ambassador urged the warden to show goodwill, to take into consideration international opinion, and resolve this minor request by allowing Father Ly to read his Bible. The warden responded positively that he could now allow Ly access to his Bible, noting that the prison otherwise paid "more than adequate attention" to Ly's day-to-day living conditions.

USG AND GVN UNDERSTAND RELIGIOUS FREEDOM DIFFERENTLY

¶13. (SBU) Father Ly said the USG and GVN understood religious freedom much differently. He said the USG understands and "loves" religious freedom while in Vietnam religious freedom was not truly allowed nor respected. Ly cited various provisions in different parts of Vietnamese law about religion "spreading superstitious beliefs" and individuals "not being allowed to make the sign of the cross." Ly said he remains constant to his principles on religious freedom and had drafted and disseminated, in the past a 22-page document analyzing religious freedom in Vietnam.

¶14. (SBU) The Ambassador told Ly that the USG was actively engaged

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with the GVN on this issue. He explained that the USG had an annual human rights dialogue with the GVN, in which religious freedom, freedom of expression, and media freedoms, among others were all actively discussed. The Ambassador assured Ly that the USG would continue to speak out about human rights and agreed that, for progress to happen, both sides needed to maintain goodwill.

LY ON RULE OF LAW

¶15. (SBU) Father Ly told the Ambassador that it would take "generations" for Vietnam to build up rule of law, noting that it took the United States 200 years to build its legal system, and even then it was still not perfect. He said that Vietnamese law be made compatible with international law only through "collaborative efforts of the Ambassador as a diplomat, himself as an activist, and prison officials. Ly said he accepts his imprisonment to achieve his goals and saw himself as a "peace activist" and "champion of peace" for the Vietnamese people, a comment which drew laughs from the prison officials. Ly reiterated that it was never his intention to cause disruption and stir up disorder in Vietnam. Unfortunately the GVN considered his actions outside of prison dangerous, and he had to accept this.

"GOD WILL DECIDE WHEN I AM RELEASED"

¶16. (SBU) As for prospects for release, Ly noted that the USG wanted him out of prison and even the prison officials wanted him out, but he did not necessarily want to get out. Ly stressed that he was not working for himself, but rather for a greater good. Even if he were released, Ly said he would still "continue his work" and likely be arrested again. Ultimately, only God would decide when he is released, Ly said; he is prepared to spend the rest of his life in prison to continue his struggle.

¶17. (SBU) Ly told the Ambassador to tell the USG that the GVN really did not want to imprison him for a long time, but his release would depend on goodwill and solutions among the GVN, USG and other players, such as the Catholic Church. He said goodwill was something everybody shared. Ly said we all want the Vietnamese to live in happiness and "to become a civilized country," which led to an interjection from the warden. And he said we all want the Vietnamese people to have basic freedoms, including "human rights, democracy, and freedom of speech."

LY ON FREEDOM OF SPEECH

¶18. (SBU) Ly said freedom of speech in Vietnam was extremely important but unfortunately its meaning was much different from that in the United States. For you, he told the Ambassador, freedom of speech "really means it; it is real for you." But freedom of speech was built upon a legal foundation. Before Ly left the room, he told the Ambassador to please understand both our (USG - GVN) fundamental differences and what we have in common.

¶19. (SBU) In a wrap-up session with the prison warden, the warden said the Ambassador should understand that Ly "spoke to his favor," and has "extremist tendencies," noting how well he knew him well from his various incarcerations at the prison. The warden noted that the GVN Constitution does provide for many of the rights that Father Ly talked about and added that, at Ly's March 2007 trial, the police officer muzzled Ly (in photos now made famous around the world on the Internet) only as a spontaneous reaction to Ly's screaming and kicking down the podium, which was not shown on television.

¶20. (SBU) The Ambassador responded that Father Ly was right in that goodwill was needed on both sides on these issues. He appreciated the warden's demonstration of goodwill by providing Ly his Bible and allowing a longer than usual prison visit. He noted that the USG position was that individuals should be allowed their different thoughts on their country's political future and that the USG will be continuing these discussions with the GVN.

COMMENT: LY IN GOOD HEALTH, CONVICTIONS STRONG

¶21. (SBU) We found Ly to be in surprisingly good health and spirits, strong and uncowed by his long imprisonment. Although perhaps less defiant than at his March 2007 trial, Ly remains committed to his principles and true to his convictions. He is clearly a political prisoner but unlikely to repent in order to receive amnesty, which may complicate international efforts on his case. Despite some initial emotional outbursts, Ly's arguments on Vietnamese legal reform and religious freedom were rational. Outside of his denial of a Bible, his prison conditions appear to be adequate. ConGen

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HCMC remains in close contact with his visiting family members.

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